

BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL

SOUTHERN ZONE, CHENNAI

ORIGINAL APPLICATION No 98 of 2020 (SZ)

IN THE MATTER OF

Tribunal on its own motion SUO MOTU

Based on the News item in the Dinamalar Chennai
Edition dated .02.07.2020 , "If the encroachments are
Removed totally, Narayanapuram Lake will become
Source of drinking water"

... Applicant(s)

With

1. The Secretary to the Government of Tamil Nadu,
Public Works Department,
Secretariat, Fort St.George
Chennai 600 009.

2. The Secretary to the Government of Tamil Nadu,
Department of Environment,
Govt. Secretariat, Fort St.George
Chennai 600 009.

3. Additional Chief Secretary to the Government of Tamil Nadu,
Municipal Administration and Water Supply Department,
Govt. Secretariat, Fort St.George
Chennai 600 009.

4. The Chairman,
Tamil Nadu Pollution Control Board,
No.76, Anna Salai , Guindy
Chennai , Tamil nadu – 600 032


5. The District Collector,
Chennai District,
No.62, RajajiSalai ,4th Floor
Chennai , Tamil nadu – 600 001

6. Greater Chennai Corporation,
Rep.by its Commissioner,
Ripon Building,
Chennai , Tamil nadu – 600 003

7.Chennai Metropolitan Water Supply and Sewerage Board,
Rep.by its Managing Director,
CMA Building, MRC Nagar,
Chennai , Tamil nadu – 600 028
(impleaded as additional 7th respondent on 01.10.2021)

....Respondent(s)


SUPERINTENDING ENGINEER
EXECUTIVE ENGINEER
CHENNAI METROPOLITAN WATER SUPPLY
AND SEWERAGE BOARD
CHINTALRIPON, CHENNAI-600 002.


SUPERINTENDING ENGINEER
PROJECT-II
CMWSS BOARD,
CHENNAI-600 002.

REPORT FILED ON BEHALF OF 7TH RESPONDENT

I, P.Vijayalakshmi, D/o. P.Palanisamy, Hindu, aged 58 years working as Superintending Engineer (Project) II_{IC} of Chennai Metropolitan Water Supply and Sewerage Board, Chennai do hereby solemnly affirm and sincerely state as follows:

1. I am the Superintending Engineer II_{IC} of the Chennai Metropolitan Water Supply and Sewerage Board, Chennai and 7th Respondent herein and well acquainted with the facts of the case from the connected files.
2. I humbly submit that in order of Hon'ble NGT No 98 dated 04.08.2022 relevant portion of the directions towards CMWSSB is extracted from Para No.4&5 as detailed below
3. "Para No. 04: It is seen from the report submitted by the Chennai Metropolitan Water Supply and Sewerage Board that the proposal sent by the Chennai Metropolitan Water Supply and Sewerage Board to regulate the monitoring of sewage collection by the tanker lorries has been approved by the Government and necessary orders have been issued and they are in the process of preparing rules and guidelines on the basis of the amendment and that will be submitted by the Government shortly. They have not produced the notification issued by the Government in this regard, so as ascertain as to whether it is in tune with the directions issued by the Tribunal in several matters regarding this aspect.

Para No. 05: When this was pointed out, the learned counsel appearing for Chennai Metropolitan Water Supply and Sewerage Board and the State Departments wanted some time to produce the notification issued by the Government in this regard amending the Chennai Metropolitan Water Supply and Sewerage Board Act.

I humbly submit that the amendment to the Chennai Metropolitan Water Supply and Sewerage Board Act, 1978 (Insertion of new Chapter VI-A) which is approved in the Bill No.33 of 2022 – the Tamil Nadu Municipal Laws and the Chennai Metropolitan Water Supply and Sewerage (Amendment) Act,2022 under Tamil Nadu Government Gazette is attached herewith as per the direction of the Hon'ble Tribunal.


EXECUTIVE ENGINEER
CHENNAI METROPOLITAN WATER SUPPLY
AND SEWERAGE BOARD
CHINTADRIPET, CHENNAI-600 002.


SUPERINTENDING ENGINEER
PROJECT-II
CMWSS BOARD,
CHENNAI-600 002.

It is therefore humbly prayed that, this Hon'ble Tribunal may be pleased to accept my response on behalf of the Board and thus render justice.


**EXECUTIVE ENGINEER
CHENNAI METROPOLITAN WATER SUPPLY
AND SEWERAGE BOARD
CHINTADRIPET, CHENNAI-600 002.**


**SUPERINTENDING ENGINEER
PROJECT-II
CMWSS BOARD,
CHENNAI-600 002.**

Solemnly affirmed at Chennai on this
12th Day of August 2022 and signed
his name in my presence

Before Me


4/8/2022

Advocate, Chennai

I. Rollence Samuel,
57, LE, MHC, CH-10A.

Annexure -1

235-I. Appeal.— (1) Any person aggrieved by an order made under sections 235-G and 235-H may appeal within such period and in such manner, and to such authority as may be prescribed.

(2) In deciding the appeal, the authority specified under sub-section (1) shall follow such procedure, as may be prescribed, and the decision of such authority on such appeal shall be final and shall not be called in question in any Court of law.”.

PART-VI. AMENDMENT TO THE CHENNAI METROPOLITAN WATER SUPPLY AND SEWERAGE ACT, 1978

Insertion of new Chapter VI-A. 10. After Chapter VI of the Chennai Metropolitan Water Supply and Sewerage Act, 1978, the following Chapter shall be inserted, namely

“CHAPTER-VI A.

FAECAL SLUDGE AND SEPTAGE.

69-A. Definitions.— For the purpose of this Chapter,—

- (a) “disposal facility” means the arrangement made for the scientific treatment and disposal of faecal sludge and septage, as may be prescribed;
- (b) “licencing authority” means the Managing Director;
- (c) “faecal sludge” means raw or partially digested, in a slurry or semi solid form, of combinations of excreta and black water, with or without grey water;
- (d) “licencee” means any person who holds a licence granted under this Chapter;
- (e) “septage” means the liquid and solid material, that has accumulated or is contained, in a septic tank or cesspool;
- (f) “specified vehicle” means a vacuum truck or such other vehicle equipped with motorised pumps and storage tank of such specification, as may be approved from time to time, under the Motor Vehicles Act, 1988, for collecting and transporting faecal sludge and septage; Central Act 59 of 1988.
- (g) “worker” means any person engaged by a licencee for collection, transportation and

disposal of faecal sludge and septage.

69-B. Licence for collection, transportation and disposal of faecal sludge and septage.— (1) No person shall collect, transport or dispose faecal sludge or septage from any building, whether used for residential or commercial or institutional purposes within the Chennai Metropolitan Area without a valid licence:

Provided that no such licence is necessary for the collection, transportation and disposal of faecal sludge or septage by any local authority or statutory board for the Government,

(2) Any person who intends to collect, transport or dispose faecal sludge or septage shall apply to the licencing authority for grant of licence in such form, containing such particulars, documents and with such fee not exceeding two thousand rupees, as may be prescribed!

(3) Within thirty days from the date of receipt of an application under subsection (2), the licencing authority may either grant the licence subject to such terms and conditions, as may be prescribed or refuse to grant licence, by recording the reason therefor.

(4) The licence granted under sub-section (3) shall be valid for a period of two years from the date of issue.

(5) Application for renewal of licence shall be made to the licensing authority, thirty days before the date of its expiry, in such form together with such fee not exceeding two thousand rupees, as may be prescribed.

(6) The time limit and procedure contained in sub-section (3) shall equally apply for renewal of licence.

69-C. Removal of faecal sludge and septage by owner or occupier.—

The owner or occupier, as the case may be, of a building or part thereof located within the Chennai Metropolitan Area shall,—

(a) ensure construction of the septic tank or such on-site sanitation system conforming to the requirements of the National Building Code, 2016;

(b) conduct regular desludging as per the design and operations requirement of the septic tank or the on-site sanitation system as per the National Building Code, 2016;

(c) ensure that no person other than a licensee is engaged or caused to be engaged for the collection, transportation and disposal of faecal sludge and septage from his building;

(d) ensure that no person is engaged or employed, either directly or indirectly for hazardous cleaning of a septic tank or on-site sanitation system, as prohibited in the Prohibition of Employment as Manual Scavengers and their Rehabilitation Act, 2013.

69-D. Duties of a licensee.— Every licensee shall,—

(a) follow the terms and conditions in regard to the time, route and decantation place, as may be specified in the licence;

(b) pay decantation fee not exceeding five hundred rupees per trip as may be prescribed, for usage of the disposal facility or the decantation place;

(c) maintain a log book in the prescribed format for recording of each trip undertaken for collection, transportation and disposal of faecal sludge and septage and submit it to the licencing authority before the 10th day of every quarter in a year,

(d) ensure that the specified vehicle is equipped with a Global Positioning System as may be prescribed and also ensure that the Global Positioning System instrument is functional and transmitting the data without any interruption.

69-E. Monitoring of desludging operations and prohibition of unsafe disposal.— (1) The licencing authority shall notify in the District Gazette and upload in the website or portal -

(a) the places for decanting the faecal sludge or septage;

(b) the list of licensees and update them periodically, and

(c) a mechanism for filing complaints or reporting violations against the licensees.

(2) In the event of receipt of information of spillage of septage, the licencing authority shall immediately direct the licensee or the person in-charge of the specified vehicle to take action to contain the septage, minimise the environmental impact and remove all septage immediately from the site of spillage.

(3) The licencing authority shall appoint such

officers not lower in rank than that of Sanitary Inspector, to monitor the activities of the licencees within the Chennai Metropolitan Area through means such as inspection or Global Positioning System fitted in specified vehicles, to prevent disposal of faecal sludge and septage in other than the places identified for decanting.

69-F. Penalties.— If any person contravenes or fails to comply with, any of the provisions of this Chapter or the rules made under this Act or of the terms and conditions subject to which the licence has been granted, shall be punishable for the first offence with fine which may extend to twenty five thousand rupees and for the second or any subsequent offence, which may extend to fifty thousand rupees.

69-G. Power to suspend or cancel licence.— (1) The licencing authority may suspend the licence, if the licencee commits breach of any terms and conditions of licence or any of the provisions of this Chapter.

(2) The licencing authority may cancel the licence, if the licencee is imposed with penalty for the second offence under this Chapter:

Provided that before passing an order of cancellation of licence, an opportunity of making a representation within a period of fifteen days shall be given to the licencee,

69-H. Power to seize and confiscate specified vehicles.— (1) Notwithstanding anything contained in this Act or in any other law for the time being in force, where an offence under this Chapter is believed to have been or is being committed, any officer of the Board, not lower in rank than that of an Executive Engineer, may **seize** any vehicle or other article including motor, pump, tube, tool or equipment used for the commission of such offence and shall without any unreasonable delay, produce the same before the officer, authorised in this behalf by the Government.

(2) Where any such vehicle or other article is produced before the authorised officer and if he is satisfied that an offence under this Chapter has been committed, the authorised officer may, whether or

not a prosecution is instituted for such offence, he may, without prejudice to any other punishment to which the offender is liable under this Chapter, order confiscation of the vehicle or the articles so seized:

Provided that before passing an order of confiscation, the owner or the person from whom such vehicle or article is seized, shall be given—

(a) notice in writing informing him on the grounds on which it is proposed to confiscate;

(b) an opportunity of making a representation in writing and an opportunity of being heard in the matter

(3) Where the authorised officer, after passing an order of confiscation under sub-section (2), is of the opinion that it is expedient in the public interest so to do, he may order the confiscated vehicle or the articles to be sold by public auction.

(4) Where any confiscated property is sold under sub-section (3), and where the order of confiscation made under this section is set aside or annulled by an order under section 69-1, the proceeds of such sale, after deduction of the expenses of, or incidental to, such auction, shall be paid to the owner thereof or to the person from whom it was seized, as may be specified in such order.

69-1. Appeal.—(1) Any person aggrieved by an order made under sections. 69-G and 69-H may, within such period and in such manner, as may be prescribed, appeal to such authority as the Government may, by notification, specify in this behalf.

(2) In deciding the appeal, the authority specified under sub-section (1) shall follow such procedure, as may be prescribed, and the decision of such authority on such appeal shall be final and shall not be called in question in any Court of law."

STATEMENT OF OBJECTS AND REASONS

In the year 2010, the Government issued orders for ban on entry of workers into sewerage system and septic tanks and introduced mechanization of sewerage cleaning and maintenance by purchasing jet-rodding machines, desilting machines, mobile mechanical pumps and other mechanical devices.

(2) Tamil Nadu is one of the most urbanized States in India with around 48.45 per cent (census 2011) of the population living in urban area. In terms of septage management, Tamil Nadu has accorded the highest priority to the implementation of underground sewerage scheme and waste water treatment plants across local bodies in order to provide better sanitation facilities.

(3) Indiscriminate disposal of faecal sludge and septage in open environment and water bodies poses a great danger to the environment. Therefore, it is imperative to regulate the operation and movement of the lorries, trailers or any other vehicles used for decanting of septic tanks and cesspools and transportation of faecal sludge and septage to ensure safe disposal of the faecal sludge and septage.

(4) The Government have recognized the importance of Faecal Sludge and Septage Management (FSSM) as a viable method of sanitation for smaller cities and towns and outgrowths in metropolitan cities. In pursuance of National Policy on Faecal Sludge and Septage Management, to provide complete full cycle of sanitation in the local bodies, a comprehensive programme has been formulated, for regulating periodic cleaning of septic tanks and transportation, treatment and disposal of faecal sludge and septage.

(5) The Government have also decided to require the Municipal Councils to take action to enhance the property tax annually.

(6) In the said circumstances, the Government have now decided to amend the laws governing the Town Panchayats, Municipalities and Municipal Corporations and the Chennai Metropolitan Water Supply and Sewerage Board Act, 1978 (Tamil Nadu Act 28 of 1978) for the aforesaid purposes.

7. The Bill seeks to give effect to the above decision.

K.N.NEHRU

Minister for Municipal Administration

Secretariat,
Chennai-600009.
9TH May 2022.

K.SRINIVASAN

Secretary



TAMIL NADU GOVERNMENT GAZETTE

EXTRAORDINARY PUBLISHED BY AUTHORITY

No 268]

CHENNAI, MONDAY, MAY 9, 2022
Chithirai 26, Subakiruthu, Thiruvalluvar Aandu-2053

Part IV—Section 1

Tamil Nadu Bills

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**BILLS INTRODUCED IN THE LEGISLATIVE ASSEMBLY
OF THE STATE OF TAMIL NADU**

Under Rule 130 of the Tamil Nadu Legislative Assembly Rules, the following Bill which was introduced in the Legislative Assembly of the Tamil Nadu on 9th May, 2022 is published together with Statement of Objects and Reasons for general information:—

L A Bill No. 33 of 2022

A Bill further to amend the laws relating to Municipal Corporations, Municipalities and the Chennai Metropolitan Water Supply and Sewerage Act, 1978.

BE it enacted by the Legislative Assembly of the State of Tamil Nadu in the Seventy-third Year of the Republic of India as follows:—

PART— I.

PRELIMINARY.

Short title and commencement.

1. (1) This Act may be called the Tamil Nadu Municipal Laws and the Chennai Metropolitan Water Supply and Sewerage (Amendment) Act, 2022.

(2) It shall come into force on such date as the State Government may, by notification, appoint.

PART—II.

**AMENDMENTS TO THE CHENNAI CITY MUNICIPAL CORPORATION
ACT, 1919.**

Insertion of new section 99-A.

2. After section 99 of the Chennai City Municipal Corporation Act, 1919 (hereinafter referred to as the principal Act), the following section shall be inserted, namely:—

“99-A. Enhancement of property tax.—The council may, by resolution, enhance property tax at such rate, within the minimum and maximum rates as may be notified by the Government, from time to time.”.

Insertion of new section 202-B.

3. after section 202-A of the principal Act, the following section shall be inserted, namely:—

“202-B. Identification of places for decanting of faecal sludge or septage.— (1) The Commissioner, in consultation with the Managing Director, Chennai Metropolitan Water Supply and Sewerage Board, shall identify places for decanting the faecal sludge or septage, by means of a specified vehicle and also specify the routes for the movement of such vehicles to transport the faecal sludge and septage for decanting in the identified places.

(2) The operation and movement of specified vehicles for the purpose of transportation of faecal sludge or septage, to the places identified for decantation and matters connected thereto, shall be regulated in accordance with the provisions of the Chennai Metropolitan Water Supply and Sewerage Act, 1978.”.

Tamil Nadu Act IV of 1919.

Tamil Nadu Act 28 of 1978.

PART-III.

AMENDMENTS TO THE TAMIL NADU DISTRICT MUNICIPALITIES
ACT, 1920.Tamil Nadu Act
V of 1920.

4. After section 81-A of the Tamil Nadu District Municipalities Act, 1920 (hereinafter referred to as the principal Act), the following section shall be inserted, namely:—

Insertion of new
section 81-B

"81-B. Enhancement of property tax.— The municipal council may, by resolution, enhance property tax at such rate, within the minimum and maximum rates as may be notified by the Government, from time to time."

5. After Chapter VIII of the the principal Act, the following Chapter shall be inserted, namely:—

Insertion of new
Chapter VIII-A**"CHAPTER-VIII A.****FAECAL SLUDGE AND SEPTAGE.**

161-A. Definitions.— For the purpose of this Chapter:—

(a) "disposal facility" means the arrangement made for the scientific treatment and disposal of faecal sludge and septage, as may be prescribed;

(b) "licencing authority", in relation to a municipality and a town panchayat, means the Commissioner of the municipality and the Executive Officer of the town panchayat, respectively;

(c) "faecal sludge" means raw or partially digested, in a slurry or semi solid form, of combinations of excreta and black water, with or without grey water;

(d) "licencee" means any person who holds a licence granted under this Chapter;

(e) "occupier" means the person who occupies a building or part thereof located within the municipal or town panchayat limits and includes a person in possession of such building;

(f) "owner" means the person who owns a building or part thereof located within the municipal or town panchayat limits and includes a lessee of such building;

(g) "septage" means the liquid and solid material, that has accumulated or is contained, in a septic tank or cesspool;

Central Act
59 of 1988.

(h) "specified vehicle" means a vacuum truck or such other vehicle equipped with motorised pumps and storage tank of such specification, as may be approved from time to time, under the Motor Vehicles Act, 1988, for collecting and transporting faecal sludge and septage;

(i) "worker" means any person engaged by a licencee for collection, transportation and disposal of faecal sludge and septage.

161-B. Licence for collection, transportation and disposal of faecal sludge and septage.— (1) No person shall collect, transport or dispose faecal sludge or septage from any building, whether used for residential or commercial or institutional purposes, within the municipal or town panchayat limits without a valid licence.

Provided that no such licence is necessary for the collection, transportation and disposal of faecal sludge or septage by any local authority or statutory board of the Government.

(2) Any person who intends to collect, transport or dispose faecal sludge or septage shall apply to the licencing authority for grant of licence in such form containing such particulars, documents and with such fee not exceeding two thousand rupees, as may be prescribed.

(3) Within thirty days from the date of receipt of an application under sub-section (2), the licencing authority may either grant the licence subject to such terms and conditions, as may be prescribed or refuse to grant licence, by recording the reason therefor.

(4) The licence granted under sub-section (3) shall be valid for a period of two years from the date of issue.

(5) Application for renewal of licence shall be made to the licencing authority, thirty days before the date of its expiry, in such form together with such fee not exceeding two thousand rupees, as may be prescribed.

(6) The time limit and procedure contained in sub-section (3) shall equally apply for renewal of licence.

161-C. Removal of faecal sludge and septage by owner or occupier.— The owner or occupier, as the case may be, of a building or part thereof located within the municipal or town panchayat limits shall,—

(a) ensure construction of the septic tank or such on-site sanitation system conforming to the requirements of the National Building Code, 2016;

(b) conduct regular desludging as per the design and operations requirement of the septic tank or the on-site sanitation system as per the National Building Code, 2016;

(c) ensure that no person other than a licensee is engaged or caused to be engaged for the collection, transportation or disposal of faecal sludge and septage from his building;

(d) ensure that no person is engaged or employed, either directly or indirectly for hazardous cleaning of a septic tank or on-site sanitation system, as prohibited in the Prohibition of Employment as Manual Scavengers and their Rehabilitation Act, 2013.

Central Act
25 of 2013.

161-D. Duties of a licensee.— Every licensee shall,—

(a) follow the terms and conditions in regard to the time, route and decantation place, as may be specified in the licence;

(b) pay decantation fee not exceeding five hundred rupees per trip as may be prescribed, for usage of the disposal facility or the decantation place;

(c) maintain a log book in the prescribed format for recording of each trip undertaken for collection, transportation and disposal of faecal sludge and septage and submit it to the licencing authority before the 10th day of every quarter in a year;

(d) ensure that the specified vehicle is equipped with a Global Positioning System as may be prescribed and also ensure that the Global Positioning System instrument is functional and transmitting the data without any interruption.

161-E. Monitoring of desludging operations and prohibition of unsafe disposal.— (1) The licencing authority shall notify in the District Gazette and upload in the website or portal,—

(a) the places for decanting the faecal sludge or septage;

(b) the list of licensees and update them periodically; and

(c) a mechanism for filing complaints or reporting violations against the licensees.

(2) In the event of receipt of information of spillage of septage, the licencing authority shall immediately direct the licensee or the person in-charge of the specified vehicle to take action to contain the septage, minimise the environmental impact and remove all septage immediately from the site of spillage.

(3) The licencing authority shall appoint such officers not lower in rank than that of Sanitary Inspector, to monitor the activities of the licensees within the municipal or town panchayat limits by means such as inspection or Global Positioning System fitted in the specified vehicles, to prevent disposal of faecal sludge and septage in places other than those identified for deconting.

161-F. Penalties.— If any person contravenes or fails to comply with, any of the provisions of this Chapter or the rules made under this Act or of the terms and conditions subject to which the licence has been granted, shall be punishable for the first offence with fine which may extend to twenty five thousand rupees and for the second or any subsequent offence, which may extend to fifty thousand rupees.

161-G. Power to suspend or cancel licence.— (1) The licencing authority may suspend the licence, if the licensee commits breach of any of the terms and conditions of licence or any of the provisions of this Chapter.

(2) The licencing authority may cancel the licence, if the licensee is imposed with penalty for the second offence under this Chapter.

Provided that before passing an order of cancellation of licence, an opportunity of making a representation within a period of fifteen days shall be given to the licensee.

161-H. Power to seize and confiscate vehicles, articles, etc.— (1) Notwithstanding anything contained in this Act or in any other law for the time being in force, where an offence under this Chapter is believed to have been or is being committed, any officer in Revenue department, not lower in rank than that of a Tahsildar, in the case of Town Panchayats and the Commissioner in the case of Municipalities, may seize any vehicle or other articles including motor, pump, tube, tool or equipment used for the commission of such offence and shall without unreasonable delay, produce the same before the officer, authorised in this behalf by the Government.

(2) Where any such vehicle or other article is produced before the authorised officer and if he is satisfied that an offence under this Chapter has been committed, the authorised officer may, whether or not prosecution is instituted for such offence, he may, without prejudice to any other punishment to which the offender is liable under this Chapter, order confiscation of the vehicle or the articles so seized.

Provided that before passing an order of confiscation, the owner or the person from whom such vehicle or article is seized, shall be given—

(a) notice in writing informing him of the grounds on which it is proposed to confiscate;

(b) an opportunity of making a representation in writing and an opportunity of being heard in the matter.

(3) Where the authorised officer, after passing an order of confiscation under sub-section (2), is of the opinion that it is expedient in the public interest so to do, he may order the confiscated vehicle or the articles, to be sold by public auction.

(4) Where any confiscated property is sold under sub-section (3), and where the order of confiscation made under this section is set aside or annulled by an order under section 161-I, the proceeds of such sale, after deduction of the expenses of, or incidental to, such auction, shall be paid to the owner thereof or to the person from whom it was seized, as may be specified in such order.

161-I. Appeal.— (1) Any person aggrieved by an order made under sections 161-G and 161-H may appeal within such period and in such manner, and to such authority as may be prescribed.

(2) In deciding the appeal, the authority specified under sub-section (1) shall follow such procedure, as may be prescribed, and the decision of such authority on such appeal shall be final and shall not be called in question in any Court of law."

PART-IV.

AMENDMENTS TO THE MADURAI CITY MUNICIPAL CORPORATION ACT, 1971.

Insertion of new
section 121-A.

6. After section 121 of the Madurai City Municipal Corporation Act, 1971 (hereinafter referred to as the principal Act), the following section shall be inserted, namely:—

Tamil Nadu Act
15 of 1971.

"121-A. Enhancement of property tax.— The council may, by resolution, enhance property tax at such rate, within the minimum and maximum rates as may be notified by the Government, from time to time."

Insertion of new
Chapter VIII-A.

7. After Chapter VIII of the principal Act, the following Chapter shall be inserted, namely:—

"CHAPTER-VIII-A.

FAECAL SLUDGE AND SEPTAGE.

235-A. Definitions.— For the purpose of this Chapter,—

(a) "disposal facility" means the arrangement made for the scientific treatment and disposal of faecal sludge and septage, as may be prescribed;

(b) "licencing authority" means the Commissioner of the Madurai City Municipal Corporation;

(c) "faecal sludge" means raw or partially digested, in a slurry or semi solid form, of combinations of excreta and black water, with or without grey water;

(d) "licencee" means any person who holds a licence granted under this Chapter;

(e) "occupier" means the person who occupies a building or part thereof located within the corporation limits and includes a person in possession of such building;

(f) "owner" means the person who owns a building or part thereof located within the corporation limits and includes a lessee of such building;

(g) "septage" means the liquid and solid material, that has accumulated or is contained, in a septic tank or cesspool;

(h) "specified vehicle" means a vacuum truck or such other vehicle equipped with motorised pumps and storage tank of such specification, as may be approved from time to time, under the Motor Vehicles Act, 1988, for collecting and transporting faecal sludge and septage,

Central Act
59 of 1988.

(i) "worker" means any person engaged by a licencee for collection, transportation and disposal of faecal sludge and septage

235-B. Licence for collection, transportation and disposal of faecal sludge and septage.— (1) No person shall collect, transport or dispose faecal sludge or septage from any building, whether used for residential or commercial or institutional purposes within the Corporation limits without a valid licence:

Provided that no such licence is necessary for the collection, transportation and disposal of faecal sludge or septage by any local authority or statutory board of the Government.

(2) Any person who intends to collect, transport or dispose faecal sludge or septage shall apply to the licencing authority for grant of licence in such form, containing such particulars, documents and with such fee not exceeding two thousand rupees, as may be prescribed.

(3) Within thirty days from the date of receipt of an application under sub-section (2), the licencing authority may either grant the licence subject to such terms and conditions, as may be prescribed or refuse to grant licence, by recording the reason therefor.

(4) The licence granted under sub-section (3) shall be valid for a period of two years from the date of issue.

(5) Application for renewal of licence shall be made to the licencing authority, thirty days before the date of its expiry, in such form together with such fee not exceeding two thousand rupees, as may be prescribed.

(6) The time limit and procedure contained in sub-section (3) shall equally apply for renewal of licence.

235-C. Removal of faecal sludge and septage by owner or occupier.— The owner or occupier, as the case may be, of a building or part thereof located within the Corporation limits shall,—

(a) ensure construction of the septic tank or such on-site sanitation system conforming to the requirements of the National Building Code, 2016;

(b) conduct regular desludging as per the design and operations requirement of the septic tank or the on-site sanitation system as per the National Building Code, 2016;

(c) ensure that no person other than a licensee is engaged or caused to be engaged for the collection, transportation or disposal of faecal sludge and septage from his building;

(d) ensure that no person is engaged or employed, either directly or indirectly for hazardous cleaning of a septic tank or on-site sanitation system, as prohibited in the Prohibition of Employment as Manual Scavengers and their Rehabilitation Act, 2013.

235-D. Duties of a licensee.— Every licensee shall,—

(a) follow the terms and conditions in regard to the time, route and decantation place, as may be specified in the licence;

(b) pay decantation fee not exceeding five hundred rupees per trip as may be prescribed, for usage of the disposal facility or the decantation place;

(c) maintain a log book in the prescribed format for recording of each trip undertaken for collection, transportation and disposal of faecal sludge and septage and submit it to the licencing authority before the 10th day of every quarter in a year;

(d) ensure that the specified vehicle is equipped with a Global Positioning System as may be prescribed and also ensure that the Global Positioning System instrument is functional and transmitting the data without any interruption.

235-E. Monitoring of desludging operations and prohibition of unsafe disposal.— (1) The licencing authority shall notify in the District Gazette and upload in the website or portal,—

(a) the places for decanting the faecal sludge or septage;

(b) the list of licensees and update them periodically; and

(c) a mechanism for filing complaints or reporting violations against the

licensees.

(2) In the event of receipt of information of spillage of septage, the licencing authority shall immediately direct the licensee or the person in-charge of the specified vehicle to take action to contain the septage, minimise the environmental impact and remove all septage immediately from the site of spillage.

(3) The licencing authority shall appoint such officers not lower in rank than that of Sanitary Inspector, to monitor the activities of the licensees within the corporation limits by means such as inspection or Global Positioning System fitted in the specified vehicles, to prevent disposal of faecal sludge and septage in places other than those identified for decanting.

235-F. Penalties.— If any person contravenes or fails to comply with, any of the provisions of this Chapter or the rules made under this Act or of the terms and conditions subject to which the licence has been granted, shall be punishable for the first offence with fine which may extend to twenty five thousand rupees and for the second or any subsequent offence, which may extend to fifty thousand rupees.

235-G. Power to suspend or cancel licence.— (1) The licencing authority may suspend the licence, if the licensee commits breach of any of the terms and conditions of licence or any of the provisions of this Chapter.

(2) The licencing authority may cancel the licence, if the licensee is imposed with penalty for the second offence under this Chapter.

Provided that before passing an order of cancellation of licence, an opportunity of making a representation within a period of fifteen days shall be given to the licensee.

235-H. Power to seize and confiscate specified vehicles, articles, etc.— (1) Notwithstanding anything contained in this Act or in any other law for the time being in force, where an offence under this Chapter is believed to have been or is being committed, any officer not lower in rank than that of an Assistant Commissioner of the Corporation may seize any vehicle or other articles including motor, pump, tube, tool or equipment used for the commission of such offence and shall without unreasonable delay, produce the same before the officer, authorised in this behalf by the Government.

(2) Where any such vehicle or other article is produced before the authorised officer and if he is satisfied that an offence under this Chapter has been committed, the authorised officer may, whether or not prosecution is instituted for such offence, he may, without prejudice to any other punishment to which the offender is liable under this Chapter, order confiscation of the vehicle or the articles so seized.

Provided that before passing an order of confiscation, the owner or the person from whom such vehicle or article is seized, shall be given—

(a) notice in writing informing him of the grounds on which it is proposed to confiscate;

(b) an opportunity of making a representation in writing and an opportunity of being heard in the matter.

(3) Where the authorised officer, after passing an order of confiscation under sub-section (2), is of the opinion that it is expedient in the public interest so to do, he may order the confiscated vehicle or the articles, to be sold by public auction.

(4) Where any confiscated property is sold under sub-section (3), and where the order of confiscation made under this section is set aside or annulled by an order under section 235-I, the proceeds of such sale, after deduction of the expenses of, or incidental to, such auction, shall be paid to the owner thereof or to the person from whom it was seized, as may be specified in such order.

**BEFORE THE HON'BLE NATIONAL GREEN
TRIBUNAL
SOUTHERN ZONE, CHENNAI**

**ORIGINAL APPLICATION No 98 of 2020
(SZ)**

IN THE MATTER OF

Tribunal on its own motion SUO MOTU
Based on the News item in the Dinamalar,
Chennai Edition dated .02.07.2020, "If the
encroachments are Removed totally,
Narayanapuram Lake will become
Source of drinking water"

... Applicant(s)

With

The Secretary to the Government of
Tamil Nadu,
Public Works Department,
Secretariat, Fort St. George
Chennai 600 009 &
7 Others

**REPORT FILED ON BEHALF OF THE 7th
RESPONDENT**

Mr. GAUTAM SRAMAN

Counsel for 7th Respondent